




SEP 10 REC'D

UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL OCEAN SERVICE  
Silver Spring, Maryland 20910

SEP - 4 2003

Mr. Tim Johns  
Chair, Northwestern Hawaiian Islands Coral Reef Ecosystem  
Reserve Advisory Council  
2600 Kalanianaʻole Highway, #215  
Honolulu, HI 96825

Dear Mr. Johns: 

This letter is to once again thank you for your participation in the 2003 National Chairs/Coordinators Meeting last February in Santa Barbara, California, and to provide you an update of how the National Marine Sanctuary Program (NMSP) is utilizing the results of the discussion held at that meeting.

As you will recall, at the meeting we had an extensive conversation regarding a number of policy topics of interest to the NMSP. While such discussion should not be considered as the advice from an ad hoc "national advisory council," the individual views of the participants nonetheless provided extremely valuable information on the content of potential policies and on site-specific differences that might need to be addressed, as the NMSP moves forward on several of those policy topics.

The NMSP has considered actions that could be taken to address each of the policy topics. The range of "actions" include developing policy or guidance, pursuing a regulatory action, implementing a research program or education project, deferring action to a later date, or taking no action. Following is a brief discussion of the status of each of those policy topics with regard to what action, if any, the NMSP is proposing to take as a result of the meeting and subsequent discussions among staff. The policy topics are listed alphabetically, not by order of priority.

Acoustic Impacts: The NMSP does not have regulations that specifically prohibit acoustic activities, but does have regulations that prohibit activities that may be related to acoustic activities (such as installing a power cable on the seafloor). The NMSP mainly deals with this on a case-by-case basis, usually as permitting for specific research projects. The NMSP also has a statutory consultation process that may apply to acoustic projects. The NMSP works closely with NOAA Fisheries on acoustics-related projects. The NMSP also sits on the Marine Mammal Commission's interagency working group on acoustic impacts.

In addition, the system-wide monitoring program being developed by the NMSP's Science Team will include a number of national-scope questions regarding wildlife disturbance to which the individual sanctuaries will respond. As sanctuaries determine how to conduct monitoring in their site in order to respond to the national questions, such site-tailored monitoring programs may include acoustics.



Alternative Energy Projects: The NMSP is seeing more and more interest in use of the ocean, sometimes near or inside sanctuary boundaries, as a source of alternative energy projects (e.g., windmills, wave energy). Because the nature of these proposals differ so much, the NMSP believes that it is best to continue to allow sites to address such proposals on a case-by-case basis within the context of their own regulations and permitting.

Anchor Damage: Anchor damage is of primary concern to sites that have coral reefs or formations of some kind, as well as those sites with cultural resources such as shipwrecks that might be damaged by anchors. The NMSP believes it is most appropriate to allow sites to continue to address this on a site-by-site basis with appropriate regulations and permitting. Should multiple sites decide a specific policy is needed, the national office would work to support the development of such.

Aquaculture: While the NMSP has considered this to be a regional issue, recent efforts by NOAA Fisheries to develop a national policy on aquaculture have encouraged the NMSP to establish a working group to develop its own policy on aquaculture, in part to provide meaningful input to the NOAA Fisheries effort. This policy is just beginning development. The Councils will be asked to provide comments through their site managers when the policy is ready for public review.

Bio-Propecting: The NMSP had investigated the development of a bio-prospecting policy in the past but since this has not been a pressing issue for sanctuaries relative to other concerns, the development of such a policy has been removed from active consideration. Should such a policy be warranted, the NMSP will begin its development.

Cable and Gas Pipeline Installation and Maintenance: The NMSP has been investigating various options to respond to increased demands for cable and pipe installation through or near sanctuaries, including the development of a national policy. Following on a previously published Advance Notice of Proposed Rulemaking in the *Federal Register*, the NMSP is moving forward on the development of a policy on cables.

Climate Change: While the NMSP acknowledges that climate change has the potential to have significant impacts on our sanctuaries, it is a broad issue that needs to and is being addressed at higher NOAA levels. NOAA has recently announced the completion of a new Climate Change Science Program Strategic Plan, the goals of which are to advance science by studying changes in climate and related systems via an interdisciplinary approach; advance Earth observation and data management systems; develop decision-support resources as a basis of sound policy; and emphasize two-way communications by engaging the U.S. and international scientific and stakeholder communities. The plan can be found at [www.climatescience.gov](http://www.climatescience.gov). The NMSP is involved in this and other agency efforts to investigate and address climate change, including the use of some sanctuaries as monitoring areas for climate change. More information is available at [www.noaa.gov/climate.html](http://www.noaa.gov/climate.html).

Coastal Armoring: This issue is mainly dealt with through individual site programs; the NMSP has found that this approach works well. A national policy is not warranted.

Commercial Concessions: Commercial concessions have been an occasional issue for the NMSP, addressed on a case-by-case basis; the NMSP is considering drafting additional guidance for special use permits that might address commercial concessions.

Cultural Protocols and Practices: While the NMSP has always made a strong effort to work with Native American tribes, Pacific Islanders, and other native groups and organizations, the discussion at the February meeting made it clear that the articulation of a national policy on the program's relationship to native peoples and groups may be the next step to demonstrate our commitment to this effort. To this end, the NMSP will form a working group of program staff from both headquarters and the field that will (1) consider whether such a policy is feasible and of value and, if so, (2) develop a draft of that policy for review by the NMSP. Such a draft policy may also be brought to the February 2004 meeting in order to be reviewed by the Chairs. We expect this working group to be operational by the end of the summer 2003.

Desalination: Desalination plants tend to be a regional concern, mainly for the Pacific coast sanctuaries, and to date, the NMSP has dealt with them through site-specific processes such as permitting. As there is strong potential for demands for desalination plants to increase, the NMSP will continue to track this issue. If warranted at some time in the future, a national policy may be developed.

Discharges, Dumping and Water Quality: This issue is mainly dealt with through individual site programs, including regulations, permits, and monitoring programs, and the NMSP has found that this approach works well. However the NMSP is establishing a regulations working group to do a system-wide analysis of sanctuary regulations, including possible updates to be consistent with certain current Clean Water Act regulations. The regulations working group will be established before the end of summer 2003.

Fishing Impacts: The NMSP works closely with NOAA Fisheries, the regional fishery management councils, all appropriate federal and state fishery management authorities, and the public to consider regulations that may involve fishing within sanctuaries. The NMSP is involved in meetings with the recreational and commercial fishing communities to help find common ground. The NMSP is also examining the representation of the fishing community on our advisory councils; for example, the Channel Islands NMS recently decided to add a recreational fishing seat to its advisory council.

Invasive/Exotic Species: The NMSP is working with the Smithsonian Environmental Research Center under a new study (funded by the National Fish and Wildlife Foundation) to identify possible invasive species in sanctuaries and National Estuarine Research Reserves on the west coast. This project may provide the foundation for future study and prevention efforts.

Marine Debris: As with climate change, marine debris is a vast problem that cannot be addressed by the NMSP alone. The NMSP is working with NOAA Fisheries, as well as other federal agencies and non-governmental organizations, to address the problem of marine debris through debris removal, source identification, education efforts, and other legal remedies. Significant site-based clean-up efforts are also underway, especially in the Northwestern Hawaiian Islands.

Military Activities: Most Department of Defense (DOD) activities are grandfathered into sanctuaries as they are designated. The NMSP has a process to consider if new military activities should be allowed, on a case-by-case basis. The NMSP does not contemplate any new actions in relation to a policy on military activities.

Motorized Personal Watercraft: To date, the issue of motorized personal watercraft has been addressed on a site-by-site basis, sometimes by regulation, including zoning and outright bans. The NMSP believes that examining motorized personal watercraft at a national level is warranted and plans to create a working group to consider the issue and provide recommendations to NMSP leadership.

Oil, Gas, and Mineral Activities: Most sanctuaries have an outright ban on oil, gas, and mineral activities. The NMSP does not believe that an additional national policy is necessary.

Research Sampling: Much research sampling is conducted by permits within sanctuaries. The NMSP plans to link the permitting process of each site to a geographic information system (GIS) to better assess whether research sampling is having an impact on any given area of a sanctuary. However, relative to other, more urgent issues, and faced with technological and budget constraints, it will likely be several years before a geographically enabled permitting process is ready for use.

Vessel Traffic: Because the vessel traffic situation is unique to each site, the NMSP normally deals with this issue through site-specific management regimes, including working with partners and user groups to realign offshore lanes and creating zoned areas to manage mooring impacts and user conflicts. The NMSP has also been successful in working with the International Maritime Organization on a number of site-related efforts, including Areas to be Avoided in the Olympic Coast and Florida Keys Sanctuaries, and the Particularly Sensitive Sea Area recently created in the Florida Keys Sanctuary. This site-based approach has worked well and the NMSP does not believe that a national policy is needed.

Wildlife Interaction: The NMSP has been actively engaged in the development of guidelines for wildlife viewing. The first iteration of such guidelines—*Responsibly Watching California's Marine Wildlife: Handbook for Ocean Users*—was recently released and is available online at: <http://sanctuaries.noaa.gov/library.html>. The NMSP plans to hold future workshops to refine this existing guide and to eventually develop a comprehensive marine wildlife viewing program for all of



the sanctuaries. A policy on wildlife interaction, including wildlife feeding, is currently under development. The NMSP also partners with various States, the National Park Service, and the U.S. Fish and Wildlife Service to help address wildlife interactions at the sites.

To summarize, these efforts are already underway:

- Completion of a national artificial reef policy; and
- Completion of a wildlife interaction policy.

The following are the short-term actions [i.e., within the next year] being taken by the NMSP:

- Completion of a draft national policy on aquaculture for public review;
- Creation of a national cultural working group;
- Creation of a motorized personal watercraft working group; and
- Creation of a regulations working group.

Finally, longer-term (i.e., in the next several years) action items include:

- Integration of permitting process with geographic information systems.

Progress on the above-described efforts will be shared with the Chairs and Councils through normal mechanisms, including the Coordinators' monthly updates and reports from site managers. Once again, thank you for your work in Santa Barbara and your efforts throughout the rest of the year. We encourage you to continue your discussions with each other on these or any other topics of interest to your Advisory Councils; if there is anything we can do to facilitate such discussions, please let us know. We look forward to seeing and working with you in Savannah next February.

*You have been far more  
important than you realize,  
in moving the NMSP process.  
As always I'm impressed  
Thanks!*

Sincerely,



Daniel J. Basta  
Director  
National Marine Sanctuary Program

cc: Sanctuary Managers  
Council Coordinators